

TOWN OF HULL ORDINANCE # 051203  
**WATER MANAGEMENT AND RIGHT-OF-WAY PROTECTION**

**THE TOWN BOARD OF THE TOWN OF HULL, DOES ORDAIN AS FOLLOWS:**

**SECTION 1 – PROTECTION OF HIGHWAY AND EASEMENTS**

- (1) Injury To Highway. Any person who shall injure any highway by obstructing or diverting any creek or watercourse or sluiceway, or by dragging logs or timber thereon, or by any other act, shall be liable in treble damages, to be recovered by the Town, and the amount recovered shall be credited to the Town's highway maintenance fund.
- (2) Obstructing Highway With Embankment Or Ditch. Any person who shall willfully or maliciously make any ditch, depression or embankment or place any obstruction in any public highway intended or calculated to impede or incommode the use of such highway, or who shall place any obstruction in any ditch constructed to drain any highway, shall be guilty of a misdemeanor. and upon conviction shall be punished by a fine of not less than \$10.00 nor more than \$100.00.
- (3)
  - (a) Obstructing Highway Drainage. It is the duty of every owner or user of land and who constructs any building, structure or dike or otherwise obstructs the flow of stream water through any watercourse or natural or man-made channel or obstructs the flow of surface water through any natural or man-made channel, natural depression or natural draw through which surface waters naturally flow:
    - i. To provide and at all times maintain a sufficient drainage system to protect a downstream highway from water damage or flooding caused by such obstruction, by directing the flow of surface waters into existing highway drainage systems; and
    - ii. To protect an upstream highway from water damage or flooding caused by such obstruction, by permitting the flow of such water away from the highway substantially as freely as if the obstruction had not been created.
  - (b) Whoever fails or neglects to comply with a duty imposed by Paragraph (a) is liable for all damages to the highway caused by such failure or neglect. The Town may bring an action to recover such damages. An action under this paragraph shall be commenced within the time provided by se. 893.59, Wis Stats. or be barred.
  - (c) The Town and its agents and employees may enter any lands for the purpose of removing an obstruction in a watercourse or highway drainage ditch which is in violation of Paragraph (a) and which is flooding or causing damage to the highway under its jurisdiction.

## SECTION II – REMEDIES

- 1. Penalty. Any person who fails to comply with the provisions of this ordinance shall upon conviction thereof, forfeit no less than \$100.00 nor more than \$1,000.00 and the costs of prosecution for each violation, and default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment thereof for a period not to exceed six (6) months. Each day a violation exists or continues shall constitute a separate offense**

\_\_\_\_\_  
John W Holdridge, Chairperson  
Town of Hull

Attest: \_\_\_\_\_  
Janet R Wolle, Clerk  
Town of Hull

Dated: May 12, 2003  
Passed: May 12, 2003  
Published: May 19, 2003

Amended: July 12, 2004  
Published: